

PRACTICE NOTICE
RE: CLASS HEADINGS

1. The Law

Rule 8(2) (b) of the Trade Marks Rules, 2001 states that:

(2) Every application shall specify the class or classes in the Fourth Schedule to which it relates and the specification shall-

(a) set out the class or classes in consecutive numerical order; and

(b) list under each class the specific goods or services appropriate to that class for which protection is sought.

2. Existing Practice

The existing practice is to interpret Rule 8(2) (b) broadly and to accept class headings, which generally cover all possible goods or services available in a particular class. Once registered, the mark is protected in relation to all the goods or services covered or included under the class headings, even if the applicant does not use or intend to use the mark in relation to all the goods or services covered by the class headings.

3. New Practice

The new practice is to interpret Rule 8(2) (b) narrowly and therefore to not accept class headings. Therefore we will only accept application forms (Forms TM1) that list the specific goods or services which the applicant uses or intends to use the mark in relation to. Therefore, upon our examination of trade mark applications (Form TM1) we will reject class headings and require applicants to list specific goods and/or services for which protection is sought. In those circumstances applicants will be required to submit their amended list of goods and/or services on Form TM6 along with the applicable fee.

4. Effective date

The new practice of the Office comes into effect on March 4, 2015.